

REMARKS

Claims 2-4, 6-11, 33, and 34 are pending in this application. By this Amendment, claims 1 and 6 are amended. No new matter is added. Claims 1 and 6 are the independent claims.

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Allowable Subject Matter

Since the previous rejections under 35 U.S.C. 103(a) as being unpatentable over Reeder (USP 6,049,076) in view of Yamamoto et al. (JP 2001-093539) made in the Final Office Action mailed April 13, 2011 have been withdrawn, and no further prior art rejections have been made in the outstanding Office Action mailed October 4, 2011, Applicants have assumed that claims 2-4, 6-11, 33, and 34 are allowed, if amended to overcome the rejections under 35 U.S.C. § 112, first and second paragraphs. Hence, Applicants request that claims 2-4, 6-11, 33, and 34 are in condition for allowance.

Claim Rejections - 35 U.S.C. § 112

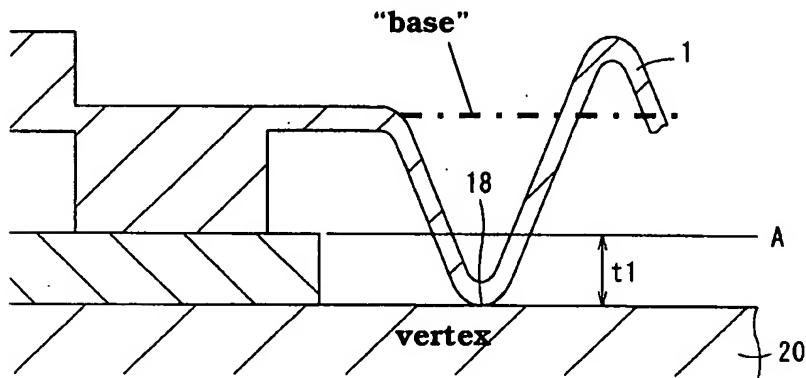
I. First Paragraph

Claims 2-4, 6-11, 33, and 34 stand rejected under 35 U.S.C. § 112, first paragraph, as with the written description requirement. Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that the feature of "the outer periphery bent in one of the U shape and the V shape having a base that is wider than the vertex" as recited in claim 2 is clearly and completely supported by the instant application as

originally filed. For instance, as shown in *at least FIG. 3A*, the outer periphery bent of the sealing portion (e.g., 14) is one of a U-shape and a V-shape, which corresponds to a sealing projection, has a base that is "wider" than the vertex (e.g., 18). In other words, the "vertex" of the sealing projection of the present invention may be the point at which the two thin metal sheets intersect and the "base" may be the imaginary line extending in parallel with the surface on which the catalytic electrode 21 is formed, crossing the line of the two thin metal sheets. For illustrative purpose only, annotated FIG. 3A is provided below.

FIG. 3A



Moreover, one skilled in the art would appreciate that a "base" of vertex is inherently *wider* because by definition a vertex has a shape of a "V" which converges at a point.

Further, Applicants submit that limitations in the claims do not "expressly" have to be recited in the application as originally filed. Instead, the first paragraph of 35 U.S.C. § 112 provides,

[t]he specification shall contain a written description of the invention, and of the manner and process of making and using it,

in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

(U.S. Code, 2000 (emphasis added)).

Applicants note that the description of the “base” of the outer periphery bent was not expressly recited in the application as originally filed. However, the first paragraph of 35 U.S.C. § 112 does not bar the introduction of any term that was not recited in the original application. Rather,

[t]he function of the description requirement is to ensure that the inventor had possession of, as of the filing date of the application relied upon, the specific subject matter later claimed by him; . . .

(*In re Herschler*, 591 F.2d 693, 700 (CCPA 1979)).

[t]he test for determining compliance with the written description requirement is whether the disclosure of the application as originally filed reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter, rather than the presence or absence of literal support in the specification for the claim language.

(*In re Kaslow*, 707 F.2d 1366, 1375 (Fed. Cir. 1983), emphasis added).

Applicants respectfully submit that one of ordinary skill in the art would understand the “base” of the outer periphery bent is clearly shown and described by the originally filed specification. Accordingly, Applicants respectfully submit that the application as originally filed would reasonably convey to one of ordinary skill in the art that the “base” of the outer periphery bent is adequately described.

Therefore, the Examiner’s assertion that the application fails to comply with the written description requirement is without merit.

In view of the above, Applicants respectfully submit that the rejection of claims 2-4, 6-11, 33, and 34 is improper, and respectfully request that it be reconsidered and withdrawn.

II. Second Paragraph

Claims 2-4, 6-11, 33, and 34 still stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection for the reasons detailed below.

In the outstanding Office Action, the rejection states:

it is unclear if the outer periphery bent in one of a U shape and a V shape is the same as the sealing projection having a U shape or V shape sectional profile, or if they are two separate portions of the metal sheet.¹

Applicants submit that the outer peripheral bent corresponds to a sealing projection which is a V shape.

Also, Applicants submit that the instant specification clearly and adequately describe the invention. For instance, paragraph [0246] of the instant specification, it discloses:

At the sealing section forming step of step S16, a sealing projection is formed in a region corresponding to the sealing section 14 of the covered base by a press work.....

Notwithstanding the above, Applicants have amended claim 1 (and similarly to claim 6) to more positively recite the invention.

In view of the above, Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph be reconsidered and withdrawn.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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¹ See Office Action mailed October 4, 2011, page 4, first paragraph.